

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

JOHNAS ORTIZ,

Petitioner,

v.

Civ. Act. No. 06-260-SLR

RAPHAEL WILLIAMS, Warden,
and **CARL C. DANBERG**, Attorney
General of the State of Delaware,

Respondents.

**MOTION FOR EXTENSION OF TIME TO FILE
CERTIFIED STATE COURT RECORDS**

1. The petitioner, Johnas Ortiz, has applied for federal habeas relief challenging his September 2004 violation of probation sentence imposed by the Delaware Superior Court. D.I.

6. The undersigned filed an answer to the petition on July 27, 2006.

2. By the terms of the Court's order, the respondents are directed to attach to the answer certified copies of the state court records material to the questions raised in the petitioner's appeal.

3. Due to the large caseloads of prosecutors in the appeals division, the undersigned has been unable to obtain the certified state court records from the Delaware Supreme Court in order to file them contemporaneously with the answer. Counsel has filed the relevant Superior Court documents with the answer. The undersigned anticipates obtaining and copying the remaining records on or before September 1, 2006.

4. Respondents submit that an extension of time to September 1, 2006 in which to file certified copies of the material portions of the state supreme court records in this case is reasonable. Respondents submit herewith a proposed order.

/s/ Elizabeth R. McFarlan
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500
Del. Bar. ID No. 3759
elizabeth.mcfarlan@state.de.us

Date: July 27, 2006

RULE 7.1.1 CERTIFICATION

I hereby certify that I have neither sought nor obtained the consent of the petitioner, who is appearing *pro se*, to the subject matter of this motion.

/s/ Elizabeth R. McFarlan
Deputy Attorney General

Counsel for Respondents

Date: July 27, 2006

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2006, I electronically filed a motion for extension of time to file state records with the Clerk of Court using CM/ECF. I also hereby certify that on July 27, 2006, I have mailed by United States Postal Service, the same document to the following non-registered participant:

Johnas Ortiz
410 New Street
Middletown, DE 19709

/s/ Elizabeth R. McFarlan
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500
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RAPHAEL WILLIAMS, Warden,
and **CARL C. DANBERG,** Attorney
General of the State of Delaware,

Respondents.

ORDER

This ____ day of _____, 2006,

WHEREAS, respondents having requested an extension of time in which to file certified copies of the state court records, and

WHEREAS, it appearing to the Court that the requested extension is timely made and good cause has been shown for the extension,

IT IS HEREBY ORDERED that the certified state court records shall be filed on or before September 1, 2006.

United States District Judge